

Appl. No. 09/765,231  
Response Dated 10 May 2004  
Reply to Notice of Non-Compliant Amendment dated 8 April 2004

*1635*  
*[Signature]*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:		
PHIPPARD et al.		GROUP ART UNIT: 1635
SERIAL NUMBER: 09/765,231		EXAMINER: R. SCHNIZER
FILED: 18 JANUARY 2001		DATE: 10 May 2004
ATTNY DKT NO.: 3221/00-US		CONFIRMATION NUMBER: 7382

TITLE: OSTEOARTHRITIS TISSUE DERIVED NUCLEIC ACIDS, POLYPEPTIDES,  
VECTORS, AND CELLS

I hereby certify that this correspondence is being deposited with the United States Postal  
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Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313 on May 10, 2004  
Michelle R. Becker

*Michelle R. Becker*

Date: 5/10/04

**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT**  
**UNDER 37 C.F.R. § 1.121**

**I. INTRODUCTORY COMMENTS**

This paper is in response to the Notice of Non-Compliant Amendment under 37 CFR § 1.121, mailed April 8, 2004, the Shortened Statutory Period for Response set to expire on 8 May 2004. Since 8 May 2004 fell on a Saturday, it is believed that the present amendment, filed 10 May 2004 is timely filed. The claims have been corrected, and an explanation is set forth in the initial paragraph of the Remarks section. The entire remarks section is then reproduced, for the Examiner's convenience.

Please charge any appropriate fees to Deposit Account No. 19-1025.

Amendments to the claims are reflected in the listing of claims, which starts on page 2 of this paper.

Remarks start on page 6 of this paper.

05/14/2004 DENMANU1 00000130 191025 09765231

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**AMENDMENT TRANSMITTAL LETTER (Large Entity)**

Applicant(s): Phippard et al

Docket No.

3221/00-US

Serial No.

09/765,231

Filing Date

1/18/2001

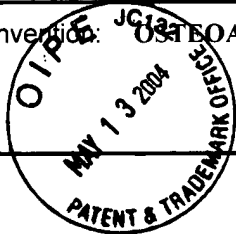
Examiner

R. Schnizer

Group Art Unit

1635

Inventor(s): OSTEOARTHRITIS TISSUE DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLS

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	24 -	20 =	4 x	\$18.00	\$72.00
INDEP. CLAIMS	3 -	7 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$72.00

- ☐ No additional fee is required for amendment.
- ☒ Please charge Deposit Account No. 19-1025 in the amount of \$72.00
- ☐ A check in the amount of to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1025
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

  
Signature

Dated: May 10, 2004

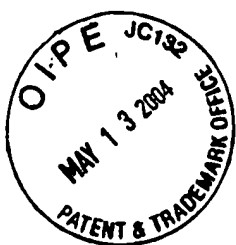
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Michelle R Becker

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CC:



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Serial No. 09/765,231  
Filing Date: 1/18/2001  
Examiner: R. Schnizer  
Group Art Unit: 1635  
Docket No. 3221/00-US

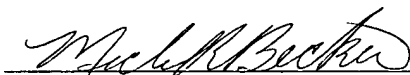
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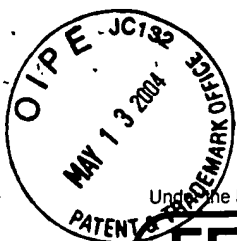
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Michelle Becker

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$72.00

## Complete if Known

Application Number 09/765,231

Filing Date 1/18/2001

First Named Inventor Phippard et al

Examiner Name R. Schnizer

Art Unit 1635

Attorney Docket No. 3221/00-US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

19-1025

Deposit  
Account  
Name

Pharmacia Corporation

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☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below		Fee Paid
Total Claims				
24	-20** =	4	X 18.00 =	72.00
Independent Claims	3 - 3** =	0	X	0.00
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) \$72.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type)	Philip B. Polster, II	Registration No. (Attorney/Agent)	43,864	Telephone	314-274-9094
Signature		Date	5/10/2004		

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